

**REAL ESTATE BOARD  
MADISON, WI  
MINUTES  
DECEMBER 5, 2002**

**PRESENT:** Nancy Gerrard (attended by phone), Richard Hinsman, Richard Kollmansberger, Hal Lee, Peter Sveum and Maria Watts (attended by phone)

**EXCUSED:** Rebecca Dysland

**STAFF PRESENT:** Clete Hansen. DOE staff attended a portion of the meeting.

**GUESTS:** Rick Staff, WRA

**CALL TO ORDER**

Richard Kollmansberger, Chair, called the meeting to order at 10:16 a.m. A quorum of 6 members was present.

**AGENDA**

Clete Hansen advised the Board that DOE staff had withdrawn the Northwood stipulation from the Board's consideration at this meeting. Clete Hansen also referred to other handouts that fall under the published agenda. Members of the Complaint Screening Panel requested that several screening issues be discussed under Administrative Report.

**MOTION:** Hal Lee moved, seconded by Richard Hinsman, to approve the agenda, as published. Motion carried unanimously.

**MINUTES (10/24/02)**

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to approve the minutes of 10/24/02, as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Clete Hansen, Division Administrator**

Richard Hinsman, Hal Lee and David O'Connell requested that a Board member be selected to replace Hal Lee on the Screening Panel. Rebecca Dysland had informed Clete Hansen before the meeting that she would not be able to do any screening at this time. Peter Sveum agreed to screen complaints on January 24. Maria Watts agreed to screen complaints on February 28. The Board agreed to assign screening for the other months in 2003 at a later date.

The Board also discussed a request from the Screening Panel that a session be set up for having DOE investigators meet with individual Board members for the purpose of expediting the processing of old cases. The Board and David O'Connell agreed that Mr. O'Connell would

contact each Board member and agree to a specific date, time and location when each Board member can meet with investigative staff. These meetings do not have to be on the same date. The Board also agreed that Jack Temby and Greg Raube should put together a list of old cases that should be reviewed at these sessions.

- **Board Roster**

Noted

- **Meeting Dates for 2003**

Noted

- **To-Do List**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases – November 7, 2002**

Noted

- **To-Pass Folder**

None

## **ADMINISTRATIVE RULES**

- **Chapters RL 17 and 24**

Clete Hansen informed the Board that departmental staff would like to make a final review of the proposed rules before bringing them back to the Board and sending them to the Rules Clearinghouse. Hansen said that the rule draft should be in the next meeting packet.

- **Ag Telemarketing Rule**

Clete Hansen called the Board's attention to the copy of the administrative rule that was in the meeting packet. He also referred to an article that he had written in the Regulatory Digest. Rick Staff told the Board about actions that have been taken by the Wisconsin Realtors Association. He also distributed to Board members a copy of the WRA Legal Update that addresses the new rules and explains the impact of the rules on real estate licensees.

## **LEGISLATION**

The Board reviewed a press release, prepared by Representative Al Ott, stating that he will reintroduce a legislative proposal that would expedite the process by which the State Senate considers the confirmation of gubernatorial appointees.

**MOTION:** Richard Hinsman moved, seconded by Peter Sveum, to support this legislative initiative. Motion carried unanimously.

### **CONTRACTUAL FORMS ADVISORY COUNCIL**

With the expiration of Jim Imhoff's term on the Board, it was necessary for the Board to elect a new Council Chair.

**MOTION:** Peter Sveum moved, seconded by Nancy Gerrard, that Richard Kollmansberger be elected Chair of the Contractual Forms Advisory Council. Motion carried unanimously.

Clete Hansen informed the Board that he will be putting the Residential Offer to Purchase and some related forms on the Internet.

### **ALTERNATIVES RELATING TO EXPIRED LICENSE CASES**

The Board discussed alternatives for processing and prosecuting complaints regarding practicing with an expired license. The Board reviewed a forfeiture grid that the Barbering and Cosmetology Examining Board uses, and agreed that such a grid might be helpful for processing real estate complaints. The Board informally agreed to the following:

1. To request that DOE prepare a draft of a forfeiture grid for review at the next Board meeting.
2. To have the costs, to some degree, reflect the facts and circumstances involved in the complaint.
3. To have expired license complaints screened by the Real Estate Complaint Screening Panel.
4. To treat these cases as disciplinary cases and not to use administrative warnings.
5. To request that staff look into revising the Termination of Employment Form, so a question would ask whether the person has been practicing real estate since the last expiration date of the person's license.

### **COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS UPDATE**

At Nancy Gerrard's request, Clete Hansen reviewed the minutes of the last Council meeting. He explained the changes that are anticipated for the real estate broker's exam and pre-license education, the changes that are anticipated for the salesperson's exam and pre-license education, the completion of the contents of the 2003-2004 Test-out Exam, the required continuing education courses during 2003-2004, and a motion passed by the Council members regarding continuing education that may be taken by commercial brokers during 2003-2004. Mr. Hansen said that task analyses have been completed for both the broker's and the salesperson's exam. He also said that on December 13, 2002, three people will be reviewing the nine bids that were submitted for administering the real estate exams and preparing questions for the exams.

**MOTION:** Peter Sveum moved, seconded by Hal Lee, to approve the draft of a revised curriculum for the broker's pre-license education. Motion carried unanimously.

**MOTION:** Richard Hinsman moved, seconded by Peter Sveum, to recommend to the Department that during the 2003-2004 licensing biennium commercial brokers be required to take the New Developments Course and that they be permitted to substitute for the other three courses a total of nine hours in courses taken to obtain or maintain a designation from CCIM, SIOR or IREM, provided that the licensees pass an exam at the end of the course(s). Such commercial courses may include conferences, provided there is an exam. Such courses must also consist of no less than the number of hours in the general courses for which the commercial brokerage courses are substituting. Motion carried unanimously.

The Board informally agreed that the course providers need not send copies of the tests to the Department. The Board also informally agreed with Lloyd Levine's motion, stated in the minutes of the Council meeting, recommending that the Department should obtain funding for conducting a reasonable random sampling of compliance by real estate licensees on a biennial basis. The Board concurred with the Department's intent to conduct a random sample audit this spring.

#### **MISCELLANEOUS CORRESPONDENCE**

Clete Hansen gave Board members a list of cases that have been reassigned from Jim Imhoff to various board members. This list was prepared by Jack Temby, who was unable to attend the meeting.

#### **PUBLIC COMMENTS**

None, in addition to those made earlier by Rick Staff.

#### **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

Pamela Majewski presented stipulations relating to Karen A. Klipp and Robyn Cammack.

#### **CLOSED SESSION**

**MOTION:** Peter Sveum moved, seconded by Nancy Gerrard, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Richard Hinsman-yes, Richard Kollmansberger-yes, Harold (Hal) Lee-yes, Peter Sveum-yes, Nancy Gerrard and Maria Watts-yes.

Open Session Recessed at 12:05 p.m.

The Board deliberated on 10 cases recommended for closing and 2 stipulations.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Richard Hinsman moved, seconded by Hal Lee, to reconvene into open session. Motion carried unanimously.

The open session re-convened at 12:18 p.m.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **CASE CLOSINGS**

**MOTION:** Peter Sveum moved, seconded by Nancy Gerrard, to close the following cases:

98 REB 307 Prosecutory discretion, P3

01 REB 017 Insufficient evidence

02 REB 054 No violation

02 REB 07 No violation

02 REB 078 Insufficient evidence

02 REB 113 No violation

02 REB 120 No violation

01 REB 326 No violation

01 REB 247 Prosecutory discretion, P7

02 REB 087 No violation

Motion carried unanimously (Maria Watts was not present for the voting.)

#### **STIPULATIONS**

##### **Karen A. Klipp (Lake Geneva, WI)**

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to adopt the Stipulation, Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Karen A. Klipp. Motion carried unanimously. (Maria Watts was not present for voting.)

##### **Robyn Cammack (Hayward, WI)**

**MOTION:** Harold Lee moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Robyn Cammack. Motion carried unanimously. (Maria Watts was not present for voting.)

#### **ADJOURNMENT**

**MOTION:** Hal Lee moved, seconded by Peter Sveum, to adjourn the meeting. Motion carried unanimously. (Maria Watts was not present for voting.)

The meeting adjourned at 12:19 p.m.